

SPEAKER LUEDTKE: No, I would say it's an oversight. If it should be on there, it should be on there. It should either be dealt with by either being bracketed or something otherwise it's still on Select File. That's correct.

SENATOR DUIS: Thank you, it's been the last couple of days.

SPEAKER LUEDTKE: You're correct Senator. Chair recognizes Senator Cullan. For what purpose do you rise?

SENATOR CULLAN: Mr. Chairman and members of the Legislature. It appears that I was mistaken in my earlier point of personal privilege. Senator Swigart and I appear to be the only ones with copies of that material. I apologize to Senator Lamb and the Stockgrowers.

SPEAKER LUEDTKE: Thank you Senator Cullan for setting the record straight. We will then proceed with special order on the criminal code.

CLERK: Mr. President, when we last considered the criminal code, there is pending a motion by Senator Chambers to amend LB 38. (Refer to page 891 in the Journal). Then in addition to that amendment, Senator Fowler offered the following amendment. (Refer to page 891 in the Journal). The Fowler amendment to amend is pending.

SPEAKER LUEDTKE: Senator Fowler.

CLERK: Fowler is excused until he arrives.

SPEAKER LUEDTKE: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I can handle Senator Fowler's amendment because all it does is strike a reference to the same material that I'm attempting to strike with my amendment. So what Senator Fowler's amendment does is incorporate into my amendment additional language that relates to the same thing and should have been included in my amendment. I'm moving that Senator Fowler's amendment as offered be adopted.

SPEAKER LUEDTKE: Thank you Senator Chambers. Any other discussion of the Fowler amendment to the Chambers' amendment? Chair recognizes Senator Barnett.

SENATOR BARNETT: If Senator Chambers will go through that just for a minute, I wasn't here yesterday, Ernie. What are you referring to?

SPEAKER LUEDTKE: Senator Chambers will you reply?

SENATOR CHAMBERS: Yes. Senator Barnett, on page 68, the amendment that I'm offering deals with striking the language which makes it a crime, a Class 4 felony to dispense a counterfeit controlled substance. Senator Fowler's amendment on page 66 would deal with the same thing, lines 14 and 15, I believe, on page 66 which refers to the distribution of the counterfeit substance. So if his amendment could be adopted, then we can discuss the essence and merit of the whole matter.

SPEAKER LUEDTKE: Any other discussion on the Fowler amendment to the Chambers amendment? Senator Barnett did that satisfy you? Then the motion is the adoption of the Fowler amendment to the Chambers amendment on LB 38. All those in favor vote aye, opposed nay. Record the vote.